

***COMMON FORUM on Contaminated land in the
European Union 8&9 June 2006 Budapest***

Meeting agenda and information



May 30, 2006

Dr. Joop J. Vegter

COMMON FORUM ON CONTAMINATED LAND

Budapest– 8/9 June 2006

Meeting location: Ministry of Environment and Water, Fő utca 44-50. 7th floor

- ***Wednesday evening June 7 get-together at 7pm at the Belgian Bar close to the Hungarian Environment Ministry ***

Agenda

Thursday 8 June 2006

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| Session 1 <i>(10:00-12:00)</i> | WELCOME AND GENERAL MATTERS | |
| 10:00 | Welcome address by Róbert Rakics, Deputy State Secretary of Environment protection. Short information about the meeting | Gabor Hasnoz & Joop Vegter |
| 10:30 | News and views from the COMMON FORUM | All members |
| 11:00 | <i>Coffee/Tea Break</i> | |
| 11:20 | An update on the EC proposal for a soil framework directive, with special reference to contaminated land policies | Joop Vegter OR Claudia Olazabal |
| 11:40 | Impact of contaminated land policy and assessment of costs of investigation and remediation in Flanders | Victor Dries |
| 12:00 | <i>Lunch</i> | |
| Session 2 <i>(13:00 -17:30)</i> | INVENTORIES OF CONTAMINATED SITES | |
| 13:00 | Introduction of the afternoon program | Joop Vegter |
| 13:10 | Introduction the French approach | Dominique Darmendrail |
| 13:30 | Presentation of the Dutch contaminated land inventory, with special attention to general methodological issues | Frans Mulder (NL) |
| 14:30 | Group discussions | |
| 15:00 | <i>Coffee/Tea Break</i> | |
| 15:20 | Continuation of group discussions | |
| 17:00 | <i>Field trip to a site remediation project in Budapest, followed by Dinner offered by the Ministry of Environment and Water</i> | |

Friday 9 June 2006

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| Session 3 <i>(9:00 – 12:00)</i> | CONTAMINATED LAND AND EU SOIL DIRECTIVE | |
| 09:00 | Conclusions about inventory issues | |
| 09:15 | Contaminated land and EU soil directive, issues (common definition of contamination, list of polluting activities, national remediation plan, public consultation, land status report) and implementation uncertainties, Introduction | Joop Vegter |
| 09:30 | Discussion | |
| <i>10:00</i> | <i>Coffee/Tea Break</i> | |
| 10:20 | Continuation of discussion | |
| Session 4 <i>(11:00 – 12:00)</i> | RESEARCH & COMMUNICATION | |
| 11:00 | Recent RBLM related projects selected for funding in FP6 | Joop Vegter |
| | Urban soil ecosystem services, a new research need? | Joop Vegter |
| | Snowman | Jörg Fauenstein |
| | COMMON FORUM and EUGRIS | Jörg Fauenstein/ Joop Vegter |
| <i>12:00</i> | <i>Lunch</i> | |
| Session 5 <i>(13:00 – 15:00)</i> | CONCLUSIONS AND NEXT STEPS | |
| 13:00 | General conclusions of the meeting Planning of next meeting . Financial matters and agenda committee | Joop Vegter / Miech de Steenwinkel |
| 15:00 | End of Meeting (tea and coffee for those who have time) | |

Additional information about the meeting agenda

SESSION 1J: WELCOME & GENERAL MATTERS

The planning of the session depends on whether Claudia Olazabal (EU DG-ENV) can present the new proposal for a Soil Framework Directive (SFD). If the the proposal is still not published by the time of the meeting, an update based on personal information will be given by Joop Vegter. Session one will end with a presentation on an assessment of impacts and costs of the contaminated land policy in Flanders by Victor Dries. These presentations may put is in a good starting position for discussions in session 2 and 3.

SESSION 2J: INVENTORIES OF CONTAMINATED SITES

The session consists of three presentations (2 short ones) and a longer in depth introduction by Frans Mulder (NL) of the subject “Contaminated land inventories”. The schedule of the session is flexible. If many questions are raised during the main presentation the group discussions can be shorter. Please note that the afternoon will end with a field trip and a dinner immediately thereafter. So please bring everything you need for the field trip and the evening dinner with you. Travel will be by bus and is organized by our host the Hungarian Environment Ministry.

SESSION 3J: CONTAMINATED LAND AND EU SOIL DIRECTIVE

COMMON FORUM members who were present at the NICOLE workshop in Sardinia discussed the idea of a “ wish – no! “ list for an EU contaminated land policy based on the proposed SFD. This is an analysis of possible interpretations and implementations of the articles of the SFD dealing with contaminated land. It was generally felt that whether an obligation from the SFD is supporting/ promoting national contaminated land policies or whether it is counterproductive will depend to a very large extend on interpretation and implementation.

The wish-no! list maybe helpful for those involved in preparing the formal memberstate position in the SFD discussion. Session 3 will discuss a first idea of a wish-no! list for the contamination part of the directive. A short outline of the wish-no! list is given below. It will be presented in more detail by the COMMON FORUM secretariat at the meeting. The aim of the discussion is to improve the “list” and to decide whether it is useful to discuss the results with stakeholder groups. Because the text of the EC proposals is still not public, it may not possible to use the real text as basis for the discussion. However the main issues and obligations affecting national contaminated land policies are sufficiently known for a first assessment.

The wish-no! list

The general aim of the framework directive is to provide a flexible regulatory framework that takes into account the diversity of situations in the various countries and regions of the European community. But just like the famous “how clean is clean” question we now have to discuss “how flexible is flexible. Given the different stages of development of contaminated land policies in EU memberstates, the framework directive should stimulate those countries which do not have a (fully operational) contaminated land policy, without interfering (too much) with successful policies in

memberstates with a long tradition in dealing with contaminated land. A flexible directive need to focus on common long-term goals only and will leave the choice of the appropriate instruments and operational details to the Memberstates (or even local competent authorities). This flexibility has a price however. National approaches will be very different, difficult to compare and the “levelling of the economic playing field” may be questioned. The wish for comparability will lead to a need for more uniformity, which may entail specification of uniform legal instruments, and concrete short-term goals. A more uniform approach may also give the impression of “levelling playing fields”.

To give one example:

The definition of a contaminated site can be as follows: “A site where there is a confirmed presence, caused by man, of dangerous substances of such a level that they pose a significant risk to human health or the environment”.

This is a definition looks acceptable for most people so it may be called a “common definition” but to put this definition into practice several questions come up.

- Does confirmation mean measuring of concentrations or can other evidence, which proves the presence/absence of contamination beyond reasonable doubt, be used.
- Are dangerous substances only the ones recognised in EU?
- What is the level at which substances become risky?
- Are these levels predetermined (national) numerical standards or is site specific risk assessment needed in every case.
- Can we conclude based on historical information about former uses of the site that the site is contaminated and will lead to risks? (Think about the “beyond risk assessment situations like the part of the Bitterfeld area discussed at CONSOIL 2000) Or do we need to follow the complete protocol (historical investigation, preliminary soil sampling and concentration measurement, risk assessment and finally priority setting and remediation planning).

There may be more questions possible, but it is already clear the if all these questions are answered with maximum flexibility in mind the resulting contaminated land decisions will not be comparable and may not contribute to level playing fields.

[Please note that the validity of the level playing argument can be questioned for uniform approaches a well. Applying the same approach in very different socio economic environments will not lead to level playing fields. Consider the remediation cost for a site on land with high economic value and the same site on land with low economic value. The immediate cost or remediation will be the same because exactly the same assessment and management tools are used. But the economic burden will always be lower if the high economic value situation, because there is a huge return on investment after the remediation, which is not the case in the low economic value situation. Where is the level playing field promised by the uniform methods?]

Apart from the contaminated sites definition the following issues will be discussed:

- Inventory of contaminated sites (also based on the result of the group discussion)
- Identification of contaminated sites
- Land (or soil) status report
- Remediation and national remediation strategy

SESSION 4J: RESEARCH & COMMUNICATION

The session will inform you about some new EU funded projects, which may be relevant for RBLM (Risk based land management), and will discuss the idea of creating a consortium of researchers to write a proposal for an EU funded project. The aim of the project is studying problems that may occur due to the huge urbanisation which is expected in the EU in the next decades and which may force us to consider other ecological services of urban soils than only the support of buildings and roads. There is also a clear link with contamination and sealing. A project on urban soil environments should provide the knowledge to assure 'sustainable' urbanisation from the soil and water point of view. To start such a project a consortium is needed, but this is quite difficult to form. There are some initiatives and some academics addressing this issue, but this need further work in order to explore the problems and the experts, which may contribute to their solutions.

The session will end with some news from SNOWMAN and the discussion about COMMON FORUM and EUGRIS

Session 3] EU POLICY

In this session is devoted to recent EU policy developments: Soil protection, Soil and waste and the groundwater directive.

Unexcavated contaminated soil as waste.

Apart from the fact that nobody is happy to have soil (contaminated or not) labelled as waste, I have at present no new information about the direction EU policy will take in this area. We will exchange information and experiences in Vienna and may decide for some COMMON FORUM joint approach. The issue will also be discussed at the Consoil conference in a special session organized by the NICOLE network.

The BRIDGE project and the Groundwater Directive

The current version of the groundwater directive still includes some text that prevents possible conflicts between the protection of groundwater resources and contaminated groundwater risk management using long-term (monitored) natural attenuation.

However, as we all know there is often a large gap between legal formulations and practical implementation. One of the key points in this is the derivation of threshold values for the protection of groundwater bodies.

BRIDGE, a EC-funded policy-support STREP is dealing with the topic of 'threshold values for groundwater bodies'. The project will propose a common methodology how such threshold values can/should be derived. Dietmar Müller, (from Austria), a "co-chair" in this project, will give a presentation about BRIDGE. This will be used as a starting point for discussion

Towards a Soil framework directive and a Soil strategy.

We are very pleased that Bernhard Berger from EU DG ENV will inform us about the latest developments concerning the upcoming Soil framework directive, Extended impact assessment and Soil communication.

The commission intends to publish a (draft) framework directive, an extended impact assessment of the many recommendations of the soil thematic strategy discussion and a communication about the way forward (especially for issues not yet dealt with in the directive) in November 2005. EU DG ENV stated that the directive will be about common principles and definitions and much less detailed as the Water framework directive. There are some interesting aspects in the plans of the commission concerning "contamination". Apart from a further specification of common principles and definitions for soil protection, a common definition of contamination (and as a logical consequence contaminated land) is likely to be proposed. Another interesting aspect is that the commission intends to define a "working unit" for EU policy. For regional soil threats like erosion, decline of organic matter, compaction, flood and landslides the focal point of EU policy will be on so called "risk areas". For other threats like sealing (closely related to national and subnational spatial planning) and contamination (many national policies and contaminated land programs already in place), the working unit will be more on the national/ regional level. There is a need for more subsidiarity here, due to the stronger links of these policies with the national and regional public administrations. The overall strategy (framework directive and communication) is to be characterised as "light", which may be interpreted as finding

common ground for cooperation between EU member states before resorting to hard "command and control" regulations at the EU level.

The new "policy package" will partly replace or reschedule older plans like the soil monitoring directive, the revision of the sewage sludge directive and the directive about biodegradable waste (compost directive). Sewage (and other) sludge and biodegradable waste will be discussed further in a thematic strategy on waste and the revision of the waste framework directive.

The discussion in Vienna may lead to a COMMON FORUM position, which we may send to DG ENV. In any case an internet consultation is planned in summer so we may also send our comments individually, using inspiration from the discussion in Vienna.

Session 4] EU RESEARCH (and closing of the meeting)

Knowledge transfer from research to practice has always been a major concern of COMMON FORUM. Although many EU and national research projects do publish their results on individual websites, it takes a lot of energy and time to absorb and digest this large amount of very diverse information. Joint programming (cooperation between national programs) as started by the SNOWMAN project will help, the formulation of larger integrated projects (AQUATERRA) in EU FP6 and 7 may help, demonstration projects (EURODEMO) may help, but a common source of information in an up to date website where all the results of current research in EU concerning contaminated land and water resources can be found is of utmost importance. If the website also contains information about current and "emerging" policies, it can be a useful tool for scientists planning new research on the basis of the state of the art in science and on the basis of a clear picture of the development of future policies. It can also be an important tool for policy makers concerning the question whether policy ideas can be backed up by proper science and for practical implementation concerning the question of practical feasibility of techniques and technologies. The EUGRIS website is getting closer to this ideal situation, but it is still 'under construction' and funded as such by EU DG research. It is important to consider the next phase: a self supporting EUGRIS. Many practitioners in the contaminated land field mention the US EPA CLUE-INN website as a good example. However this website is aimed at the US situation, whereas the EU situation may be different. They state that the ideal situation would be if consulting EUGRIS and US EPA would give them an overview of the state of the art for their work. If EUGRIS will only be remembered as one of the many interesting research projects we may have missed a big opportunity and wasted a lot of money. Can we promote the use of EUGRIS as COMMON FORUM?

The future of EUGRIS is a main topic for discussion in this session. The remaining of the session will aim at updating our information about ongoing projects in a series of short presentations as indicated in the agenda.